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Salaried Retiree of Debtors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x Chapter 11 Case No. 05-44481 (RDD)

In re:

DPH Holdings Corp., et. al.,

Debtors.

:(Jointly Administered):

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**APPELLANTS' STATEMENT OF ISSUES AND
DESIGNATION OF RECORD ON APPEAL**

Appellant, James B. Sumpter, pursuant to Rule 8006 of the Federal Rules of Bankruptcy

Procedure, hereby designates the record and states the issues to be presented on appeal, as

follows:

I. STATEMENT OF ISSUES ON APPEAL

The issues to be presented on appeal are:

1. Did the Bankruptcy court commit a reversible error by looking beyond the plain and un-ambiguous language of the Delphi Corp. OPEB Motion, the OPEB declaration by Steven

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SOUTHERN DISTRICT OF NEW YORK

Gebbia and the Bankruptcy Court OPEB order in concluding that the terminated OPEB benefits included disability payments; thereby, denying payment of appellants' disability benefit, which is Cause One of the Indiana complaint?

2. Did the Bankruptcy Court commit a reversible error by ruling that Appellant's disability benefits, in payment for more than 12 years, are not vested and can be terminated at will by DPH Holdings Corp.?

3. Did the Bankruptcy Court commit a reversible error by assuming jurisdiction and issue a ruling, on Causes Two, Four, Five and Six of the Indiana Complaint, which enjoined the Appellant from pursuing these causes of action in the Indiana District Court?

4. Did the Bankruptcy Court commit a reversible error by ignoring the contemporaneous minutes of the Retirees limited 1114 committee and email communications between 1114 committee attorney, Dean Gloster and Delphi's attorney, William Hogan III in determining what the committee's understanding was in regards to the Delphi OPEB motion and the Bankruptcy Court's OPEB order?

Did the Bankruptcy Court commit a reversible error by ruling that item # 4 on page 3 of the final OPEB order (Docket #16 448), which is provided below, did not apply to Appellants' disability benefits?

"The Debtors shall continue to provide benefits for claims incurred by each Eligible Salaried Employee through the cessation date of such retiree's participation in the applicable welfare plan, provided that such retiree has timely paid all requisite contributions for the applicable plan, and provided further that such retirees shall not be required to file proofs of claim in this Court to implement the terms of this decretal paragraph."

5. Did the Bankruptcy Court commit a reversible error by ruling that the defendants other than DPH Holdings Corp. were acting as agents for DPH Holdings Corp. and shielded

from the Indiana litigation by the bankruptcy plan and the confirmation order?

6. Did the Bankruptcy Court commit a reversible error by ruling that the Appellants' participation on 1114 committee constituted a full and fair opportunity to litigate the disability termination issue?

7. Did the Bankruptcy Court commit a reversible error by ruling that appellant, James Sumpter, was collaterally estopped from pursuing the Indiana litigation and subsequently enjoined from pursuing Causes Two, Four, Five and Six of the Indiana Complaint in the Indiana District Court?

8. Did the Bankruptcy Court commit a reversible error by ruling that the Appellants' objection to the OPEB motion (Docket # 14898), indicated that Appellant understood that Delphi was seeking approval to terminate disability benefit payments in addition to life insurance and health insurance benefits?

II. DESIGNATION OF RECORD

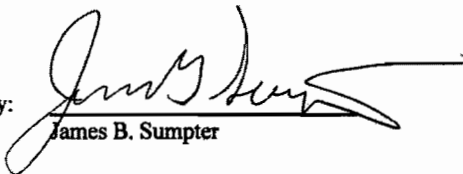
DESIGNATION OF RECORD			
	Date Filed	Docket No.	Description
1	2/4/2009	14705	Motion for Order Under 11 U.S.C. §§ 105, 363(b)(1), and 1108 Confirming Debtors' Authority to Terminate Employer-Paid-Post-Retirement Health Care Benefits and Employer-Paid Post-Retirement Life Insurance Benefits for Certain (A) Salaried Employees and (B) Retirees and Their Surviving Spouses ("Salaried OPEB Termination Motion")
2	2/17/2009	14898	Objection by James Sumpter to Motion to Terminate OPEB Benefits (re: Docket No. 14705)
3	2/25/2009	16380	Order Under 11 U.S.C. §§ 105, 363(b)(1), 1108, and 1114(d) (I) Provisionally Confirming Debtors' Authority to Terminate Employer-Paid Post-Retirement Health Care Benefits and Employer-Paid Post-Retirement Life Insurance Benefits for Certain (A) Salaried Employees and (B) Retirees and their Surviving Spouses, (II) Directing Appointment of Committee of Retired Employees with Limited Scope, and (III) Setting March 11, 2009 Final Hearing ("Provisional Salaried OPEB Termination Order")
4	3/5/2009	16422	Declaration of Steven Gebbia in Support of Debtors' Salaried OPEB Termination Motion
5	3/10/2009	16443	Modified Bench Ruling on Debtors' Salaried OPEB Termination Motion
6	3/11/2009	16448	Final Order Under 11 U.S.C. §§ 105, 363 (b)(1), 1108, and 1114 (d) (I) Confirming Debtors' Authority to Terminate Employer-Paid Post-Retirement Health Care Benefits and Employer-Paid Post-Retirement Life Insurance Benefits for Certain (a) Salaried Employees and (b) Retirees and Their Surviving Spouses and (II) Amending Scope and Establishing Deadline for Completion of Retirees' Committee's Responsibilities ("Final OPEB Termination Order")

DESIGNATION OF RECORD			
	Date Filed	Docket No.	Description
7	3/12/2009	16451	Transcript of Hearing Held on February 24, 2009 at 10:08 a.m. (re: Termination of OPEB Benefits)
8	3/13/2009	16456	Transcript of Hearing Held on March 11, 2009 at 10:17 a.m. [regarding OPEB termination]
9	9/30/2011	21603	Reorganized Debtors' Letter in Response to September 26, 2011 E-mail of James Sumpter Filed by David J. DeVine on behalf of DPH Holdings Corp., et al.. [re: Recoupment Motion]
10	9/26/2011	21609	Transcript Regarding Hearing Held on September 22, 2011 [re: Docket Nos. 21534 -Recoupment Motion]
11	10/28/2011	21696	E-mail by James Sumpter proving Debtor error in Hearing regarding termination of OPEB benefits <i>(E-mail date 26-SEP-2011)</i>
12	9/6/2013	22138	Reorganized Debtors' Motion for Order (I) Enforcing (A) Modified Plan and Plan Modification Order Injunctions, (B) OPEB Orders, and (C) Recoupment Order; (II) Enjoining James Sumpter's Second Lawsuit Filed in the United States District Court for the Southern District of Indiana and Requiring James Sumpter to Dismiss the Indiana Action With Prejudice; and (III) Holding James Sumpter In Contempt and Awarding Other Sanctions ("Sumpter Injunction Motion II")
13	9/6/2013	22139	Notice of Reorganized Debtors' Motion For Order (I) Enforcing (A) Modified Plan and Plan Modification Order Injunctions, (B) OPEB Orders, and (C) Recoupment Order; (II) Enjoining James Sumpter's Second Lawsuit Filed in the United States District Court for the Southern District of Indiana and Requiring James Sumpter to Dismiss the Indiana Action With Prejudice; and (III) Holding James Sumpter in Contempt and Awarding Other Sanctions
14	9/17/2013	22151	Expedited Motion for a Delay Regarding DPHH's Injunction Motion- Docket #22139 (Sumpter Injunction Motion II)

DESIGNATION OF RECORD			
	Date Filed	Docket No.	Description
15	9/17/2013	22152	Reorganized Debtors' Response in Opposition to James B. Sumpter's Expedited Motion for a Delay Regarding Sumpter Injunction Motion II (Docket No. 22139)
16	9/24/2013	22161	Reorganized Debtors' Reply in Support of Motion for Order (I) Enforcing (A) Modified Plan and Plan Modification Order Injunctions, (B) OPEB Orders, and (C) Recoupment Order,; (II) Enjoining James Sumpter's Second Lawsuit Filed in the United States District Court for the Southern District of Indiana and Requiring James Sumpter to Dismiss the Indiana Action with Prejudice; and (III) Holding James Sumpter in Contempt and Awarding Other Sanctions ("Sumpter Injunction Motion II Reply")
17	9/25/2013	22164	Response to DPHH's Injunction Motion - Docket #22139 (Sumpter Injunction Motion II)
18	9/25/2013	22164	Sumpter Indiana Complaint [See Attachment 3 of Sumpter response to DPHH's injunction motion II - Docket #22164]
19	9/19/2013	22165	Response to DPHH's Injunction Motion - Docket #22139 (Sumpter Injunction Motion II)
20	10/1/2013	22176	Transcript Regarding Hearing Held on September 26, 2013.
21	10/17/2013	22191	Reorganized Debtors' Memorandum in Further Support of Sumpter Injunction Motion II
22	10/18/2013	22196	Supplemental Response to DPHH's Injunction Motion- Docket #22139 (Sumpter Injunction Motion II)
23	10/18/2013	22197	Reorganized Debtors' Witness List for October 21, 2013 Continued Hearing on Sumpter Injunction Motion II
24	10/25/2013	22206	Motion to Alter Judgment and Order Regarding the 2nd Sumpter Injunction Motion Docket #22138

DESIGNATION OF RECORD			
	Date Filed	Docket No.	Description
25	11/4/2013	22210	Order Granting the Reorganized Debtors' Motion for Order Enjoining James Sumpter's United States District Court, Southern District of Indiana Action ("Order Enjoining Sumpter Indiana Action")
26	11/4/2013	22211	Order Denying James Sumpter's Motion to Alter Judgement and Order Regarding the 2nd Sumpter Injunction Motion ("Order Denying Sumpter Motion to Alter Judgment")
27	10/28/2013	22212	Transcript Regarding Hearing Held on October 21, 2013

Dated: Noblesville, Indiana
November 12, 2013

By: 
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